

# **EXHIBIT G – Part 3**

1 L. LE

2 are you aware of how much the delivery  
3 workers earned was ultimately reported by  
4 the restaurant?

5 MR. ADLER: I'll just note that  
6 Mr. Le stated something on the record --  
7 or stated something in the last question  
8 in terms of how much was reported.

9 MS. NEW: And I instructed  
10 Mr. Le that he's not testifying at this  
11 time, and he knows now not to say  
12 anything.

13 THE INTERPRETER: And the  
14 witness just said that the question seems  
15 a little bit too long for her. If you  
16 could shorten it and bring it down.

17 Q. Okay. I just want to know --  
18 you testified that delivery workers came  
19 to you at some point and asked you not to  
20 report the full amount of wages that they  
21 earned. Correct?

22 A. Yes.

23 Q. I want to know if you know  
24 whether or not the restaurant ultimately  
25 reported the full amount or if they

1 L. LE

2 find anyone to work for us.

3 Q. So, the workers did want you to  
4 report the full amount of the \$700 that  
5 you say they were being paid at the time?

6 A. Right.

7 Q. And are you familiar with the  
8 government subsidies that each of the  
9 delivery workers receives?

10 A. I don't understand.

11 Q. Well, do you know what, if any,  
12 government subsidies the delivery workers  
13 are receiving?

14 A. I don't know.

15 Q. Have you ever asked them?

16 A. No.

17 (Recess taken.)

18 Q. Who's responsible at Republic  
19 for determining how much the delivery  
20 workers are paid?

21 A. It all depends on what the  
22 delivery people were asking.

23 Q. Okay. Well, first of all, that  
24 wasn't my question. I want to know who at  
25 Republic is responsible for determining

1 L. LE

2 how much the delivery workers are to be  
3 paid.

4 A. I don't know.

5 Q. Was it you?

6 A. No.

7 Q. Was it Mr. Lin?

8 A. Well, it's usually Mr. Lin who  
9 would tell me what the others are paying,  
10 and he would tell me what we were supposed  
11 to pay, then I would just comply.

12 Q. Did Mr. Lin have authority to  
13 make a decision as to what delivery  
14 workers should be paid?

15 A. I don't know.

16 Q. You don't know if Mr. Lin was  
17 authorized to decide how much the delivery  
18 workers were to be paid?

19 A. Usually it was decided by him.

20 Q. So, if Mr. Lin didn't have  
21 authority to decide what the delivery  
22 workers should be paid, then who did? Who  
23 at the restaurant did?

24 A. It was him who did the  
25 recruitment.

# Exhibit D

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No. 07-CV-03307

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FEN Z. CHEN, JIN L. DONG, .  
DE Q. LIAN, DIAN LIN, GONG Y. WANG,  
ZHU K. YONG, JIN D. YOU, and  
CONG D. ZHENG,

Plaintiffs,

- against -

REPUBLIC RESTAURANT CORP.,  
REPUBLIC GC, LLC; ME'KONG DELTA,  
INC., HUY CHI LE, LINH HUE LE,  
and LIANG JIN LIN,

Defendants.

-----x  
March 10, 2008  
9:29 a.m.

Deposition of JIA LIANG LIN, taken by  
Plaintiffs, pursuant to Notice, held at  
the offices of Davis Polk & Wardwell, 450  
Lexington Avenue, New York, New York,  
before Jomanna DeRosa, a Certified  
Shorthand Reporter and Notary Public of  
the State of New York, New Jersey, and  
California.

1 J. LIN

2 menus at all, at the time when I was  
3 working under another head of the delivery  
4 department.

5 In fact, every one of the  
6 delivery people who came to work in this  
7 restaurant was based on one reason that  
8 was everybody like the tradition of this  
9 restaurant not asking workers to  
10 distributing menus.

11 In the past we used to have a  
12 lot of people who would be willing to wait  
13 on line to work for this restaurant and  
14 the line can be as long as from the  
15 restaurant up to Chinatown. People would  
16 be waiting in this long line to get into  
17 this restaurant to work. And that was  
18 true, because they all understand that the  
19 benefits of this restaurant was great.

20 First of all, no need to  
21 distribute menus. No. 2, this restaurant  
22 provided the uniform and the helmet by the  
23 boss. In addition, the boss would also  
24 agree to report our income to the  
25 authority so that the workers would be

1 J. LIN

2 able to apply for Medicaid. And then at  
3 the end of every year, after the tax  
4 return was filed, people would be able to  
5 receive tax refund.

6 Q. My question: You had testified  
7 earlier that it would be impossible for  
8 the menus to be delivered without you.  
9 Why would it be impossible?

10 A. What I mean is originally the  
11 restaurant never allow -- never need the  
12 workers to distribute menus, only in the  
13 exception when there was special  
14 occasions, like when the price of food had  
15 been raised and the boss would just ask us  
16 to pass the word out by distributing the  
17 menus.

18 And that's the special  
19 occasions when I had to bring these  
20 workers out to give out menus. And in  
21 fact, the name of this restaurant,  
22 Republic, has been very popular in  
23 Manhattan. Almost everyone I ran into in  
24 this city, they would indicate to me that  
25 they know about this name of Republic.



1 J. LIN

2 work hour from 5:30 to 6:30, it was just  
3 like eliminating the work hours when  
4 there's no delivery orders. I believe  
5 they also prefer to have a longer hour of  
6 breaks.

7 Q. You're a delivery worker. Why  
8 would a delivery worker consent to his  
9 number of hours of work being reduced?

10 A. It was because of one thing,  
11 that no matter what changes was made to  
12 the working hours, there will still be ten  
13 people to share the tips from the work,  
14 and the same amount of tips would still  
15 be -- belong to the ten delivery people.  
16 That's why no one would object.

17 The main source of income for  
18 the delivery person would be from the tip.  
19 So, the tips income will still be  
20 distributed among ten of us, no  
21 difference. That's why I said that all  
22 the delivery workers welcome for the  
23 change and there's no effect on their tips  
24 income.

25 Q. Would the delivery workers'

# Exhibit E

04.28.08.Rong.Hau.Shen.txt

13 A. The point is when their mind  
14 has been distracted then they would not be  
15 able to make a quick delivery, as quick as  
16 before and because of the tip pool system  
17 if people are not focusing on getting the  
18 work done as fast as possible, as quick as  
19 possible then the income level from the  
20 tip would be effected.

21 Q. Did you notice your fellow  
22 delivery workers being more slow in making  
23 deliveries?

24 A. Yes, that's exactly what I  
25 figure out.

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1 ROUGH DRAFT - NOT TO BE DEEMED AS FINAL

2 Q. From the beginning of 2007  
3 until the time you left the restaurant,  
4 did the amount of money you received from  
5 the tip pool decline?

6 A. No, nothing like that.

7 Q. So you never noticed -- strike  
8 that.

9 You thought that the amount of  
10 money that your coworkers would contribute  
11 to the tip pool would decline. correct?

12 A. It's not like that. It's  
13 because of the system of the tip pool.  
14 For example when someone is supposed to be  
15 able to make \$30 of tips a day and then  
16 they only make 20 and I make 30 that means  
17 that other people would have to share my  
18 hard work tip income. you would have to  
19 know that eventually all the the tips  
20 would go into the pool and everybody would  
21 be distributed accordingly.

22 Q. In January of 2007, how much  
23 money did you contribute to the tip pool  
24 on the days you worked?

25 A. About 60 to 70 dollars.

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1 ROUGH DRAFT - NOT TO BE DEEMED AS FINAL

2 Q. Is that per day?

3 A. Yes.

4 Q. And how much would you get from

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5 the tip pool every day on average during  
6 January of 2007?  
7 A. You have to understand that we  
8 are not figuring out the numbers this way.  
9 The tips distribution was done on a daily  
10 basis. You have to listen to me to  
11 understand this.

12 Q. Okay.

13 A. It's not the same A tips that  
14 we got every day, sometimes 50, sometimes  
15 60. For example, today I may got 50 and  
16 next day I may got 60. And that's what  
17 I'm saying distributed from the pool.  
18 Even though some people may bring in 20 a  
19 day or someone will get 30 a day but then  
20 everybody gets an even amount.

21 Q. Let me step back a second. who  
22 shared in the tip pool, was it only  
23 delivery workers?

24 A. Only the delivery guys.

25 Q. Did the head of the delivery

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1 ROUGH DRAFT - NOT TO BE DEEMED AS FINAL

2 workers also share in the tip pool?

3 A. Yes, he's also one of us.

4 Q. Did he make deliveries also or  
5 only?

6 A. Yes.

7 Q. Okay. And you said that with  
8 all of this talk at the restaurant you  
9 were afraid that your coworkers would earn  
10 less in tips. Is that correct?

11 A. It was not just something that  
12 I worry about, that was a fact that  
13 already happened.

14 Q. And did you receive less from  
15 tips in the tip pool in April of 2007 than  
16 you did in January of 2007?

17 A. Your question indicates that  
18 you're still not clearly understanding the  
19 situation. The tips amount is still the  
20 same, but what I'm saying is I bring in  
21 more and the others bring in less and then  
22 eventually we got the same tips income.  
23 And what I'm saying is when I have to make